IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4725 OF 2005

Shri Ananda Shripat Sutar ..Petitioners.

(since deceased through LRs:-

1. Smt. Anusyya Ananda Sutar & Anr.

Versus

Anandrao Laxman Jadhav ..Respondents.

(since deceased through LR :-

Shri Suresh Anandrao Jadhav & Ors.

WITH

WRIT PETITION NO. 4738 OF 2005

Shri Ramchandra Virupakash Deshmane ..Petitioners.

(since deceased through LRs:

Smt. Sulochana Ramchandra Deshmane

Versus

1. Anandrao Laxman Jadhav

(since deceased through LRs:

1. Shri Suresh Anandrao Jadhav & Ors. ..Respondents.

WITH

WRIT PETITION NO. 4739 OF 2005

Smt. Harabai Pandurang Patil ..Petitioners.
(since deceased through LRs:
1. Shri Jayawant Pandurang Patil & Anr.

Versus

1. Anandrao Laxman Jadhav
(since deceased through LRs:
1. Shri Suresh Anandrao Jadhav & Ors. ..Respondents.

Mr. N.J.Patil for the Petitioners in the petitions.
Mr.A.B.Borkar for Respondents 1 & 2 in all petitions.
Mr. A.H.Palekar, AGP for Respondent No.5- State.

CORAM : S. A. BOBDE, J.

DATED : 26TH AUGUST, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr. Borkar, learned counsel waives service of

rule for respondents Nos. 1 and 2 in all the petitions and Mr. Palekar, AGP, waives service of rule for the respondent No.5 -State.

Heard by consent.

2. The issue involved in all these petitions is common and the orders challenged are also the same. Therefore, these petitions are being disposed of by this common order.

3. The petitions are directed against the order passed by the learned Divisional Commissioner, Pune Division, Pune under section 35 of the Maharasthra Slum Areas (Improvement, Clearance and Redevelopments) Act of 1971; hereinafter referred to as the 'Act'. The petitioners have suffered a decree of civil court, which is sought to be executed by the respondents. The respondents applied for permission to do so under section 22 of the Act. This permission was granted by the Municipal Commissioner, Kolhapur on 17th June,1991 as per Exh.'A'to W.P.Nos.4725 & 4738 of of 2005 and on 4th June, 1991 as per Exh.'A' to W.P.No. 4738/2005. Against these orders, the petitioners have filed

respective appeals, which appear to have been delayed by about 33 days.

4. Having heard the learned counsel for the petitioners, I am of view that there is sufficient cause for condoning the delay in filing the respective appeals and the delay is hereby condoned.

5. The the learned Divisional Commissioner, Pune is directed to decide the matters on merit as expeditiously as possible in any case not later than two months from the date the parties appear before him.

6. The parties are directed to appear before the learned Commissioner on 8th September, 2005.

7. It appears that the learned Commissioner has made certain observations on merits in the orders, which I hereby set aside; since the observations on merit were not called for due to the rejection of the applications for condonation of delay.

8. The petitions are disposed of in the above terms.

DT.26.08.05 (S.A.BOBDE,J)

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